

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

RICHARD W. KINNEY, SR.,)
)
Plaintiff,)
vs.) Case No. 22-0146-CV-W-DGK-P
)
KANSAS CITY POLICE DEPARTMENT,)
et al.,)
)
Defendants.)

**ORDER GRANTING PLAINTIFF PROVISIONAL LEAVE TO PROCEED
IN FORMA PAUPERIS AND DIRECTING PLAINTIFF TO CORRECT TECHNICAL
DEFECTS IN COMPLAINT OR FACE DISMISSAL OF THIS ACTION**

The above-captioned complaint was provisionally filed on March 2, 2022, pursuant to the Court En Banc Order of October 21, 1997. Due to certain technical defects, however, the complaint cannot be further processed until such defects are corrected.

To assure further consideration of the complaint, PLAINTIFF MUST CORRECT THE DEFECT(S) LISTED BELOW. FAILURE TO CORRECT DEFECT(S) MAY RESULT IN DISMISSAL OF PLAINTIFF'S COMPLAINT.

X PLAINTIFF HAS FAILED TO INCLUDE THE \$402.00 FILING AND ADMINISTRATIVE FEES. PLAINTIFF HAS THE CHOICE OF EITHER TENDERING THE FEES TO THE CLERK OF THE COURT OR SUBMITTING A REQUEST TO PROCEED IN FORMA PAUPERIS AND AN AFFIDAVIT OF POVERTY IN SUPPORT THEREOF. IF PLAINTIFF CHOOSES TO DO THE LATTER, THE ENCLOSED PAUPER'S FORMS SHOULD BE COMPLETED AND RETURNED TO THIS COURT.

 X Although plaintiff has submitted the "In Forma Paupers Affidavit," plaintiff has failed to enclose a certified copy of plaintiff's trust fund account statement for the 6-month period immediately preceding the filing of the complaint as required by 28 U.S.C. § 1915 (a)(2).

 Although plaintiff has submitted the "In Forma Pauperis Affidavit," plaintiff has failed to sign it. Plaintiff must sign the enclosed affidavit and return to this Court.

— THE CIVIL RIGHTS COMPLAINT IS TECHNICALLY DEFICIENT IN THE FOLLOWING RESPECTS:

X Prisoner complaints pursuant to 42 U.S.C. § 1983 must be filed on current forms approved by this Court. Plaintiff must complete the enclosed court-approved forms and return them to this Court.

— An amended complaint replacing all earlier complaints must be filed which sets forth specific claims against each defendant.

— The complaint has not been sworn to under oath. Plaintiff must verify the complaint and return it to this Court.

— Other: (Plaintiff is directed to ensure that the handwriting is legible.)

It is plaintiff's responsibility to notify the Clerk of the Court and all defense counsel of any change of address, including transfers between institutions or release. Failure to do so in a timely manner may result in dismissal of this case.

Once a civil case is filed, the entire \$402.00 filing fee may be collected even if the prisoner proceeds in forma pauperis and even if the Court later dismisses the case because it is frivolous, malicious, fails to state a claim, seeks monetary relief against a defendant who is immune from such relief, or the allegation of poverty is untrue. See 28 U.S.C. § 1915(e)(2). If plaintiff has no assets at this time, any money later received will be collected in the manner described in 28 U.S.C. § 1915(b).

Accordingly, it is ORDERED that:

(1) plaintiff is granted provisional leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(a);

(2) plaintiff is directed to correct the above-listed technical defects in this complaint on or before **March 17, 2022**;

(3) the Clerk of the Court is directed to mail plaintiff a copy of this Order along with court-approved forms including in forma pauperis forms; and

(4) FAILURE OF PLAINTIFF TO COMPLY WITH THIS COURT'S ORDER WILL
RESULT IN DISMISSAL OF THIS ACTION WITHOUT FURTHER NOTICE TO PLAINTIFF.

/s/ Greg Kays
GREG KAYS
UNITED STATES DISTRICT JUDGE

Kansas City, Missouri,
Dated: March 3, 2022.